

ZB# 92-43

Arnold Slifstein

75-8-1

Prelim.

November 9, 1992.

Tabled -

Removing ~
moving fence

and Prelim.

Copy of Deed

② Title Policy

③ Photos

④ Fees: ① 501.00 ^{pd}

② 250.00 ^{pd}

Motion to Sched.

Public Hearing:

Waiting for list 12/30/92.

Notice to Sent on

1/14/93.

February 8th, 1993

Public Hearing:

Area Variance

Approved - 2/8/93

0101X0

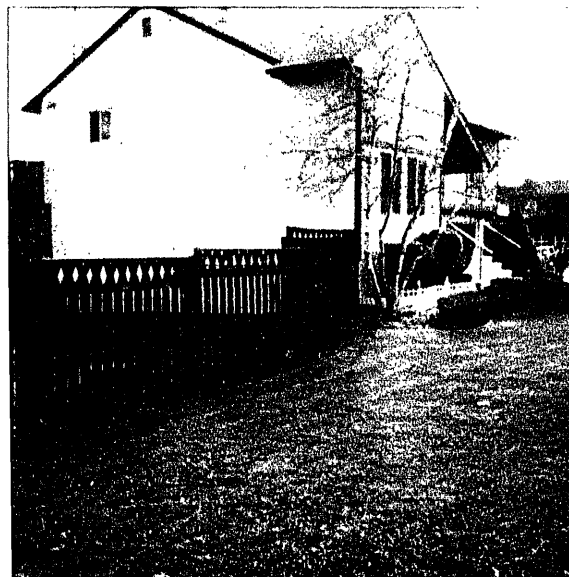
FID

addl Due: \$81.50

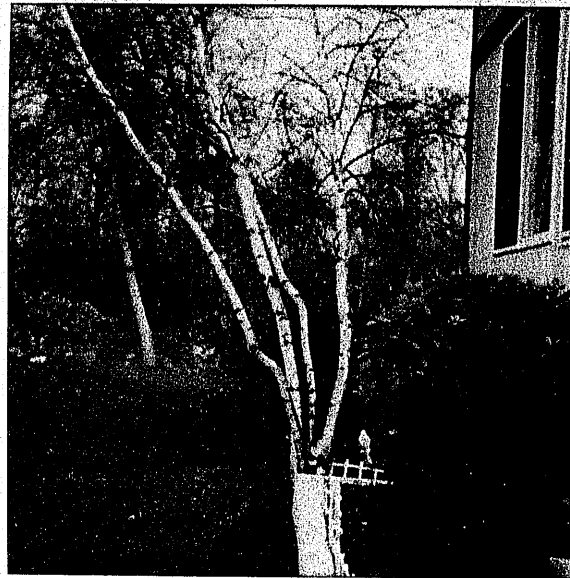
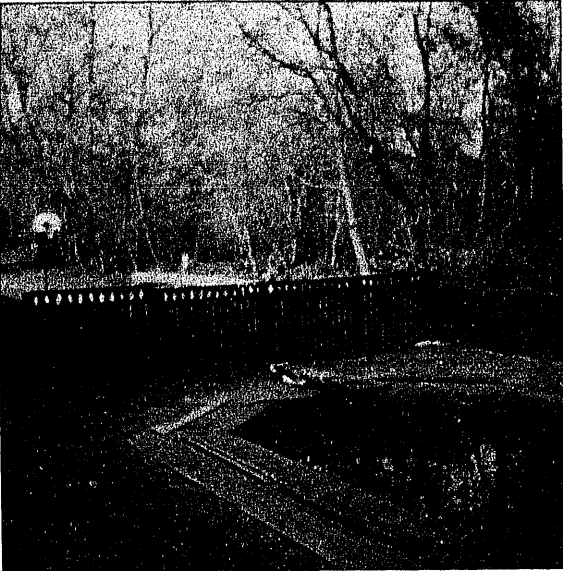
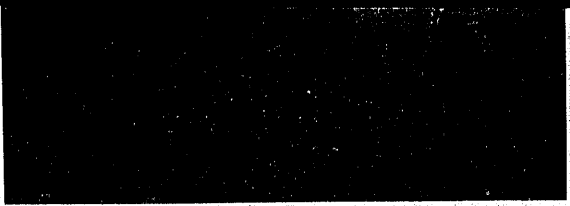
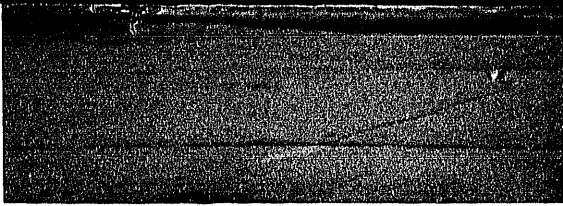
paid

#92-43 - Slifstein, Arnold

Fence - Sec. 48-14 C (1) (C) [G]



2024-2025
 InPELLIERE, Ferry
 Rudolph Hildebrand



TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, NY 12550

GENERAL RECEIPT

13093

Received of

Arnold D. Slipstein \$ *50.00*

Fifty and 00/100

DOLLARS

For

Zoning Board Fees 92-43

DISTRIBUTION:

FUND	CODE	AMOUNT
<i>CB # 1574</i>		<i>50.00</i>

By

Pauline J. Townsend

Town Clerk

Title



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(914)563-4630

Date: March 9, 1993
FAX: 914-563-4693

RE: ZONING BOARD OF APPEALS - APPLICATION # 92-43

Dear ZBA Applicant:

After computation of the consulting fees that were posted with your application before the Zoning Board of Appeals, the Board found that there are additional fees due and owing in the amount of \$ 81.50 *paid* (A copy of the computation list is attached).

In order to obtain a copy of your formal decision, this amount will have to be paid immediately.

Please forward a check in the above amount and I will be happy to furnish an executed copy of the formal decision.

Very truly yours,

ck# 1623 4/20/93
Patricia A. Barnhart
PATRICIA A. BARNHART, Secretary
Zoning Board of Appeals

/pab

Attachment

(ZBA DISK#7-031292.FEE)

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Slifstein, Arnold.

FILE # 93-43.

RESIDENTIAL: \$50.00

COMMERCIAL: \$150.00

APPLICATION FOR VARIANCE FEE \$ 50.00 pd
* * * * * ck. # 1574 4/14/93

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 250.00 pd
ck. # 1025 4/14/93

DISBURSEMENTS -

STENOGRAPHER CHARGES:

PRELIMINARY MEETING - PER PAGE 11/9/92 13 pages . . . \$ 58.50
2ND PRELIM. MEETING - PER PAGE 506 . . . \$
3RD PRELIM. MEETING - PER PAGE \$
PUBLIC HEARING - PER PAGE 2/8/93 - 4 pages . . . \$ 18.00
TOTAL \$ 76.50

ATTORNEY'S FEES:

1st PRELIM. MEETING -	<u>1.2</u>	HRS.	\$	<u> </u>
2ND PRELIM.	<u>1.2</u>	HRS.	\$	<u> </u>
3RD PRELIM. P.H.	<u>1.2</u>	HRS.	\$	<u> </u>
FORMAL DECISION	<u>1.1</u>	HRS.	\$	<u> </u>
TOTAL HRS.		<u>1.7</u>	@ \$ <u>150.00</u>	PER HR.	\$ <u> </u>
					TOTAL \$ <u>255.00</u>

MISC. CHARGES:

_____. \$ 331.50

LESS ESCROW DEPOSIT . . . \$ 250.00
(ADDL. CHARGES DUE) . . . \$ 81.50 paid
REFUND TO APPLICANT DUE . \$
4/20/93
ck # 1623



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(57)

January 8, 1993

Diane Slifstein
94 Keats Drive
New Windsor, NY 12553

Re: Variance List/500 ft.
Parcel # 75-8-1

Dear Ms. Slifstein:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00. Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook / *LC*
LESLIE COOK
Sole Assessor

LC/cp

Attachments

cc: Pat Barnhart

Toromanides, Michael & Eleni
350 Motor Parkway
Haupaug, NY 11788

Oates, Bernard J. & Peggy A.
347 Shelly Road
New Windsor, NY 12553

Lennon, James J. & Helene M.
375 Byron Lane
New Windsor, NY 12553

Filipokowski, Raymond R. & Elizabeth
373 Byron Lane
New Windsor NY 12553

Berger, Marc David & Barbara
371 Byron Lane
New Windsor, NY 12553

Pandolfi, Peter & Ernestine
369 Byron Lane
New Windsor, NY 12553

McGuire, Curt G. &
Salotti, Maria D.
367 Byron Lane
New Windsor, NY 12553

Delarosa, Manuel E. & Lourdes
365 Byron Lane
New Windsor, NY 12553

Cahill, Harold V. & Nancy J.
363 Byron Lane
New Windsor, NY 12553

Hinspeter, Margaret
344 Shelly Road
New Windsor, NY 12553

Castro, Roland D. & Sheila S.
346 Shelly Road
New Windsor, NY 12553

Spencer, Richard M. & Lisa C.
348 Shelly Road
New Windsor, NY 12553

McManus, Barbara
350 Shelly Road
New Windsor, NY 12553

D'Esposito, Celeste
352 Shelly Road
New Windsor, NY 12553

Pielli, Richard P. & Kim A.
354 Shelly Road
New Windsor, NY 12553

Kelliher, Michael J. & Eileen T.
372 Byron Lane
New Windsor, NY 12553

Diker, Larry & Charlotte
370 Byron Lane
New Windsor, NY 12553

Bello, Stephen J. & Christiane R.
368 Byron Lane
New Windsor, NY 12553

Toromanides, Harry & Eleni
366 Byron Lane
New Windsor, NY 12553

Meyer, Bruce & Karen
364 Byron Lane
New Windsor, NY 12553

Pierri, Nicholas J. & Margaret
362 Byron Lane
New Windsor, NY 12553

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

Ritosa, Joseph & Maria
323 Burroughs Lane
New Windsor, NY 12553

Scalia, Joseph M. & Teresa C.
321 Burroughs Lane
New Windsor, NY 12553

Lauria, Michael R. & Jane
86 Keats Drive
New Windsor, NY 12553

Peffer, Ralph C. & Mary E.
88 Keats Drive
New Windsor, NY 12553

Wolfe, Gerald & Eva-Maria
c/o Serpa Lenna
Sycamore Gardens, Apt 39
Route 94
New Windsor, NY 12553

Schaefer, Warren L. &
Knox, Marion
95 Keats Drive
New Windsor, NY 12553

D'Esposito, Victor & Rose
93 Keats Drive
New Windsor, NY 12553

Eng, Ben & Rena
91 Keats Drive
New Windsor, NY 12553

Grieco, Stephen & Donna
89 Keats Drive
New Windsor, NY 12553

Ioannidis, Konstantinos & Margarita
87 Keats Drive
New Windsor, NY 12553

Ramos, David & Migdalia
85 Keats Drive
New Windsor, NY 12553

Macchiarella, Isidoro & Rosaria
346 Nina St.
New Windsor, NY 12553

Romero, Barbara L. &
Wood, Joseph M.
344 Nina St.
New Windsor, NY 12553

Stiller, James & Jeanne
342 Nina St.
New Windsor, NY 12553

Lehman, Gail
340 Nina St.
New Windsor, NY 12553

Kostenblatt, Mary & William
338 Nina St.
New Windsor, NY 12553

DeMilt, Brendan F. & Susan D.
336 Nina St.
New Windsor, NY 12553

Wallace, Marilyn
334 Nina St.
New Windsor, NY 12553

Cohen, Elliot & Vicki
332 Nina St.
New Windsor, NY 12553

Nicolosi, Francis A. & Geraldine
330 Nina St.
New Windsor, NY 12553

Roberts, Dennis & Joane
452 Philo St.
New Windsor, NY 12553

Dubiansky, Stephen & Joanne
454 Philo St.
New Windsor, NY 12553

Sousa, Ian J. & Filomena
456 Philo St.
New Windsor, NY 12553

McKeon, Donald S. & Diana
339 Nina St.
New Windsor, NY 12553

Hughey, Janice E.
337 Nina St.
New Windsor, NY 12553

D'Agostino, Robert & Xiomara
335 Nina St.
New Windsor, NY 12553

Enders, Villi P.
333 Nina St.
New Windsor, NY 12553

Laborer's Local 17 Training & Educational Trust Fund
305B Little Britain Road
Newburgh, NY 12550

Cech, Anton & Lucia
Steele Road
New Windsor, NY 12553

Shumskis, William M.
c/o Transamerica Real Estate Tax Service
1983 Marcus Ave.
Lake Success, NY 11042

Dellafiora, Janet
52 Steele Road
New Windsor, NY 12553

Schaller, Patricia H. & Kurt A.
& Schaller, Stephen
54 Steele Road
New Windsor, NY 12553

MacNary, Lawrence F.
#1 Far Horizons Drive
Newburgh, NY 12550

Steele, Lois
PO Box 2181
Newburgh, NY 12550

Ciaffone, Michael
43 Steele Road
New Windsor, NY 12553

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

Joane & Arnold Slifstein
Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#92-43

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On January 27, 1993, I compared the 57 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
27th day of January, 1993.

Deborah Greer
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)

Pls. publish immediately, send bill to: Applicant at below address;

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 43

Request of Arnold & Diane Slifstein

for a VARIANCE of

the regulations of the Zoning Local Law to

permit 5 ft. existing fence around inground pool
and to permit structure closer to road than
Principal building;
being a VARIANCE of

Section 48-14 C (1) (C) [1] - Supplementary Yard
Reqs.
for property situated as follows:

94 Keats Drive, New Windsor known
& designated as tax map
Sec. 75-Blk. 8-Lot 1.

SAID HEARING will take place on the 8th day of
February, 1993, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

Lawrence Torley.
Interim Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

92-43

Date: 12/30/92

I. ☒ Applicant Information:

- (a) ARNOLD + DIANE SIIFSTEIN X
(Name, address and phone of Applicant) (Owner)
(b) 94-KEATS, DRIVE NEW WINDSOR - 12553 - 914-565-8650
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. ☒ Property Information:

- (a) R-9 94 Keats Drive 75-8-1 ?
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? N/A
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1985
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? NO
If so, when? _____
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? YES
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

N/A

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. ✓ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-14, Table of — Regs., Col. —.
C (1)(c) [1]

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.		
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage* %	%	%
Floor Area Ratio**		
Parking Area		

* Residential Districts only

** No-residential districts only

✓ (b) The legal standard for an "area" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you may have made to alleviate the difficulty other than this application.

At the time of the purchase of property - all of the violations existed. No change or more anything at this point would create a undue hardship on the applicants. Since this was a pre-existing condition

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section —, Table of — Regs., Col. —.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1			
Sign 2			
Sign 3			
Sign 4			
Sign 5			

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size

signs. N/A

(c) ^{N/A.} What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

All is Equal

✓ IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- _____ Check in the amount of \$ 20.00 payable to TOWN OF NEW WINDSOR.
- _____ Photographs of existing premises which show all present

X. Affidavit.

Date: 12/30/92.

STATE OF NEW YORK)

1) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Diane L. Selystein
(Applicant)

Sworn to before me this

30th day of December, 1992.

Patricia G. Bernhart

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1993

XI. ZBA Action:

(a) Public Hearing date: _____

(b) Variance: Granted () Denied ()

(c) Restrictions or conditions: _____

_____.

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

file

NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of

ARNOLD SLIFSTEIN,

#92-43.

DECISION GRANTING
AREA VARIANCE

WHEREAS, ARNOLD SLIFSTEIN, 94 Keats Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a variance to permit a 5 ft. high fence around an inground pool, which said fence projects into the front yard and is set back less than 10 ft. from a lot line, at the above address located in an R-4 zone; and

WHEREAS, a public hearing was held on the 8th day of February, 1993 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, applicant and his wife, DIANE SLIFSTEIN, appeared in behalf of themselves and spoke in support of the application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that applicant is seeking permission to vary the provisions of the bulk regulations relating to the height of fences which project into the front yard and are set back less than 10 ft. from a lot line, in order to allow the existing 5 ft. fence around an inground pool to remain at his residential dwelling in an R-4 zone. In addition, the applicant is seeking permission to vary the regulations of the following provisions of the Zoning Local Law of the Town of New Windsor: Section 48-14(C)(1)[1] which provides that the maximum permissible height of a fence erected between the principal building and the street on which it fronts shall be 4 ft., except if a lower fence is required by Section 48-14(B) [an exception which is not relevant to the instant application]; Section 48-14(A)(1)(b) which provides that an accessory building (which includes the applicant's fence) shall be set back 10 ft. from any lot line; and Section 48-14(A)(4) which provides that no accessory building (which again includes the applicant's fence), shall project nearer to the street on which the principal building fronts than such principal building.

3. The evidence presented by the applicant substantiated the fact that a variance for more than the allowable fence height for a fence which projects into the front yard and is set back less than 10 ft. from a lot line, contrary to Sections 48-14(c)(1)[1], contrary to Sections 48-14(A)(1)(b) and 48-14(A)(4), would be required in order to allow the existing 5 ft. high fence around an inground pool to remain at his residential dwelling which otherwise would conform to the bulk regulations in the R-4 zone.

4. The evidence presented by the applicant indicated that the fence and pool were existing when he purchased the property seven (7) years ago and that apparently these were located in their present position by the previous owner without a building permit.

5. The applicant is now applying for permission to retain the existing fence and inground pool through the variance procedure in order to obtain certificates of compliance on all structures in order to permit all these existing structures to remain in their present location.

6. The applicant is required by the building code to maintain a 5 ft. high fence around his inground pool. This requirement conflicts with the above cited provisions of the Zoning Local Law of the Town of New Windsor when such a 5 ft. high fence projects into the front yard and/or is set back less than 10 ft. from a lot line.

7. The evidence presented by the applicant substantiated the fact that if applicant were to conform to the bulk regulations at the present time, he would have to move the fence back so that it would not extend beyond the front of the house thereby placing the fence where the pool's diving board now exists. Not only would this be costly, it would not be effective or functional within the pool area since the fence would be so close to the pool and diving board that it would create a hazard to pool users.

8. The evidence presented by applicant also substantiated the fact that if applicant were forced to move the fence so that it would not protrude in front of the house he would have to have the diving board on the pool removed and this not only would be expensive but his children would be deprived of the pool's diving board and the activities related to an inground pool. This diminishes the functional utility of the pool and still leaves the hazard of the fence being too close to the pool for safety.

9. The proximity of the fence to the lot line arises in part from an ambiguity created because the applicant's lot abuts a dead end street. Apparently the developer constructed a temporary turnaround in a rough rectangular shape in front of applicant's property, rather than in the circular shape anticipated by the cul-de-sac pictured on the filed map. It is the finding of this Board that the present location for the fence constitutes a reasonable location therefore, which protects the health, safety and welfare of the community and does not

negatively impact the neighborhood.

10. The evidence presented by applicant substantiated the fact that the variances, if granted, would not have a negative impact on the physical or environmental conditions in the neighborhood since the structures will fit in well with the other residential dwellings nearby.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The requested variances will not produce an undersirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to applicant which can produce the benefit sought other than the variance procedure.

3. The requested variances are not substantial in relation to the bulk regulations for fence height since the building code require that there must be a 5 ft. fence around an inground pool, but the applicable bulk regulations prohibit fences over 4 ft. high which project into the front yard and are set back less than 10 ft. from a lot line. It is the conclusion of this Board that the granting of the requested variances are warranted here because any negative impacts from the variance granted herein are outweighed by the protection of the health, safety and welfare by maintaining a 5 ft. high fence around the applicant's pool at a safe distance therefrom.

4. The requested variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the applicant faces in conforming to the bulk regulations is not a self-created one since the violative conditions were created by a predecessor in title and, although this failure to comply with the applicable bulk regulations normally would be attributable to a successor in title and thus constitute self-created hardship, it is the conclusion of this Board that this applicant at least made an attempt to investigate the municipal status of the property at the time of purchase. The failure to discover the violation conditions apparently resulted from the type of investigation which was made in the applicant's behalf. In any event, applicant is now in the process of correcting this situation by the appropriate application to this Board.

6. It is the finding of this Board that the benefit to the applicant, if the requested area variances are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community by such grant.

7. It is the further finding of this Board that the requested variances are the minimum variances necessary and adequate to allow the applicant relief from the requirements of

the bulk regulations and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variances.

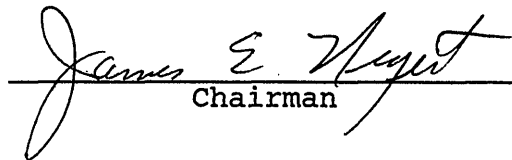
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a variance to permit the existing 5 ft. high fence around the inground pool which said fence also projects into the front yard and is set back less than 10 ft. from a lot line at the above location in an R-4 zone, as sought by applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: March 8, 1993.


Chairman

(ZBA DISK#8A-021993.AS)

Date 2/10/93 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Moores Hill Rd DR.
New Windsor, NY 12553

DATE			CLAIMED		ALLOWED	
2/8/93		Zoning Board Meeting	75	00		
		Misc. 2				
		Keeper - 5				
		Moran - 15				
		Stoddard/Stewarts - 9				
		Slifstein - 4 - 18.00.				
		Bernhardt - 12	211	50		
		47	333	50		

February 8, 1993

31

SLIFSTEIN, ARNOLD - Public Hearing

MR. NUGENT: Request for variance for five ft. high existing fence around inground pool and variance to permit structure closer to road than principal building, Section 48-14C(1)(c) 1- supplementary yard regulations.

MR. LUCIA: Also inherent are a couple other sections of the zoning laws, 4814 A(1) (b) which provides accessory buildings must be set back ten feet from any lot line and 4814 A 4 providing that no accessory building shall project nearer to the street on which the principle building fronts than such principal building. They are all inherent the same application.

Mr. and Mrs. Arnold Slifstein appeared before the board on this proposal.

MR. LUCIA: Explain why you're here and the variances you are seeking.

MRS. SLIFSTEIN: I'll show you the photographs of where the fence is.

MR. NUGENT: They are not within ten feet of the road are they?

MR. LUCIA: There was an issue I think as to whether the fence came within the arc of that cul-de-sac as on the map, not as it's presently blocked out as a rectangle. If we include it, they are covered. It's just easier since they are here for the issue to say that it appears based on the survey we have that that maybe an issue, we'll give them the variance if the board should decide to grant, the issue won't arise again.

MR. BABCOCK: Can I have the numbers one more time?

MR. LUCIA: 4814 (c) [1], 4814 A 1 B and 4814 A 4.

MR. BABCOCK: Thank you.

MR. LUCIA: I know you have been at the Preliminary

Hearing. Just explain to the board once again that you bought the property this way, where the fence is, its location.

MRS. SLIFSTEIN: We bought the property, this is a pre-existing condition, we bought the property seven years ago, pool was there, the fence is there.

MR. LUCIA: The height of the fence is how high?

MRS. SLIFSTEIN: It's 5 feet and that is required for inground swimming pool. If this fence was to be moved it would be right on top of the diving board, it would be a detrimental hazard to people, my kids, first of all the fence would have to be hitting the diving board. It would be an expense to take away the diving board, you couldn't walk by, you have to remove the diving board and the fence would be right on top of the pool which means nobody could walk passed the side.

MR. LUCIA: If I recall correctly, I think the fence jogs forward from the house towards Keats, is that part of the issue here and the fact that it is closer to the street than the house is means that you are not allowed under the zoning ordinance to have a five foot high fence. You have to have 4 foot high fence but you are also required to have a 5 foot high fence around the swimming pool so you are stuck.

MRS. SLIFSTEIN: And as a result, this is a pre-existing condition, we did not put the fence in. I don't feel we should be penalized a result of it.

MR. LUCIA: Keats is now a dead-end?

MRS. SLIFSTEIN: Right, it's always been a dead-end.

MR. LUCIA: On the filed map, that is shown as a circle but they didn't build it that way, they just kind of plopped down some asphalt in a rectangular shape so there's an issue if that cul-de-sac gets built the way it is shown whether the fence might be within ten feet of it and if it is, it's the condition that you inherited from your predecessor, I assume?

February 8, 1993

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MRS. SLIFSTEIN: Right.

MR. NUGENT: Anybody on the board would like to see the survey? I have a copy of it.

MR. LUCIA: Do you feel this will change the character of the neighborhood or be a detriment to nearby properties would be created if this board would grant you a variance?

MRS. SLIFSTEIN: Could you explain that?

MR. LUCIA: Basically is the fence as it now sits in keeping with the character of the neighborhood? Do many of your neighbors have fences?

MRS. SLIFSTEIN: A lot of neighbors have fences.

MR. LUCIA: Do they have pools?

MRS. SLIFSTEIN: Yes.

MR. LUCIA: Do they have a deck around them?

MRS. SLIFSTEIN: Yeah, they have decking around them.

MR. LUCIA: I gather their fence is at least five feet high?

MRS. SLIFSTEIN: Yes.

MR. LUCIA: What you're suggesting is not going to dramatically change the appearance of the neighborhood?

MRS. SLIFSTEIN: It is not going to change the character of the neighborhood and it's been this way longer than seven years.

MR. LUCIA: Is the benefit that you are seeking achievable by some other method other than a variance? Can you allow this fence to stay where it is without this board granting you a variance?

MRS. SLIFSTEIN: Legally, well, I could not get a certificate of compliance if I don't do this this way.

MR. LUCIA: There really isn't any other way?

MRS. SLIFSTEIN: Other than moving the fence that would be very expensive for me to do.

MR. LUCIA: Do you feel that the requested area variance is substantial, that is in terms of numbers? You're permitted 4 feet, you're looking for 5 feet in height. You're required to be ten feet apparently close to or a little bit less than ten feet away from the street. Do you find that substantial or just a small variance in terms of numbers? Are you looking for a lot of variance or only a little variance from what the Town says you need to have?

MRS. SLIFSTEIN: I would presume I'm only looking for a little variance.

MR. LUCIA: Does the proposed variance have an adverse affect or impact on physical or environmental conditions in the neighborhood?

MRS. SLIFSTEIN: No, I don't think so, no.

MR. LUCIA: Did you create this problem yourself?

MRS. SLIFSTEIN: No, we did not.

MR. LUCIA: Thank you.

MR. BABCOCK: No public.

MR. HOGAN: I'll make the motion to grant the variance as requested.

MR. TANNER: Second it.

ROLL CALL

MR. HOGAN	AYE
MR. TORLEY	AYE
MR. LANGANKE	AYE
MR. TANNER	AYE
MR. NUGENT	AYE

Date 11/30/92, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 389 Monroe Hill Rd DR.

New Windsor, NY 12553

DATE

CLAIMED

ALLOWED

11/9/92

Zoning Board

75 00

Misc - 2

Carlaugh - 6 - 27.00

Sarinsky - 10 - 45.00

Bittles - 4 - 18.00

Slifstein - 13 - 58.50

Quine - 11 - 49.50

Banura - 8 - 36.00

Freeman - 5 - 22.50

59 95

265 50

APPROVED:

Chairman

399 50

SLIFSTEIN, ARNOLD

MR. FENWICK: Request for relief from Section 48-14C(1)(c)1 for 5 ft. fence around inground pool (required) but it exceeds 4 ft. height and projects closer to Keats Drive than principal building.

Mr. and Mrs. Slifstein appeared before the board on this proposal.

MR. FENWICK: You're on a corner lot?

MR. SLIFSTEIN: I live right here.

MR. TORLEY: The fence does not obstruct the vision of the people on the road?

MRS. SLIFSTEIN: We have to have the height because we have an inground swimming pool.

MR. SLIFSTEIN: It doesn't obstruct any vision.

MR. LUCIA: I can't tell, maybe you can, with some of these measurements, if you can just take a look at it, I take it your house faces what you would consider the front of--

MR. SLIFSTEIN: No, front faces Keat's Drive.

MR. LUCIA: Where the dotted line is coming off the west corner of the house headed parallel to Keat's, how close is this corner to the intersection of Keat's and Byron in feet?

MR. SLIFSTEIN: This corner here, the fence, 200 feet.

MR. LUCIA: No problem with sight distance? How about the distance between Keat's and the fence line that runs parallel to it? I see you show ten feet to the pool. How far is the fence from Keat's?

MR. SLIFSTEIN: Fence from Keat's, I don't recall.

MR. LUCIA: Is the pool itself is actually ten feet?

MR. SLIFSTEIN: Yes, ten feet from the fence?

MR. LUCIA: Well this shows it as ten feet from Keat's unless this is an inaccurate drawing.

MRS. SLIFSTEIN: This is the drawing that I did.

MR. LUCIA: These dimensions to the rear and the side line shows ten plus, this one shows ten so I am wondering whether that is an accurate measurement.

MR. SLIFSTEIN: It's more than ten to the street.

MR. LUCIA: And not to the actual curb line to the Town's 50 foot right-of-way which probably is within 10 or 12 feet of what you would consider your lawn but it's really the street line.

MR. SLIFSTEIN: The Highway Department has to keep coming back to build the curb because it keeps breaking away.

MR. LUCIA: The Town street line actually extends to what you would probably consider your lawn for some 10 to 12 feet, that would be actually the distance we're measuring to so don't measure from your pool to the curb, measure from the pool to some distance between the curb and there is actually the boundary of the Town's 50 foot wide right-of-way. Keat's drive is I assume 50 foot wide road, the actual paved surface probably is 25, 27 feet or something, okay, so a part of what appears to be your lawn really is a Town street so there's some distance between the curb to the end of that 50 foot wide street that represents the actual Town boundaries. The way to determine it is if the paved surface is in the center of the street, if you measure 25 feet from the center of the street wherever that comes to on your lawn actually is where the Town's road ends and your property begins. The reason for the questions is that you are in an area applying for possibly several variances with regard to your fence. You really need to present this board with something that maybe is a little more accurate than that because if you make a mistake unfortunately the mistake comes back to haunt you this board only reacts to the figures

you give us. If we grant you a variance based on erroneous figures and you then go to sell the house, somebody gets a survey and comes up with different figures, finds out you applied for a variance of 5 feet and you really needed seven feet, you haven't advanced your case any by coming here. You're still back in the same situation. So, I'm not going to suggest that the board is going to require you to hire a surveyor but I think you need some fairly accurate computation of where the pool and the fence falls relative to the street line.

MR. TORLEY: Give yourself a little slack, if your measurements come out to be 7 foot 3 1/2 inches as opposed to 7 1/2 feet.

MRS. SLIFSTEIN: Where do you want us to start measuring from?

MR. FENWICK: I'm going to say right now that is what we think is accurate but that is actually not accurate, you can't go by that. The middle of the road may be ten feet off and you have 40 feet the other way. You actually should have a survey somewhere. You probably do have a survey of your property, I think.

MR. SLIFSTEIN: We only have a title and deed, no survey.

MR. TANNER: When did you purchase the property?

MRS. SLIFSTEIN: Seven years ago.

MR. TANNER: They didn't have to do a survey at that time?

MRS. SLIFSTEIN: We just had an engineer to come and look at the house.

MR. LUCIA: You might call the bank and see if they have a survey, seven years ago most banks required it.

MRS. SLIFSTEIN: We've changed banks.

MR. LUCIA: Call the bank that originally did your

mortgage.

MRS. SLIFSTEIN: They are not in business anymore, Empire Bank of Poughkeepsie.

MR. TORLEY: Whatever bank you have now may have it on file so it can't hurt to call them. You may not know they've got it but they may.

MRS. SLIFSTEIN: What if they don't have it?

MR. TORLEY: If they don't have it--

MR. LUCIA: Well, as I say, the board is not going to require that you get a survey but we can only react to the numbers you give us and if the numbers are wrong, you're going through this whole procedure without helping yourself. When you go to sell it, somebody is going to raise the exact same issue and if you haven't covered yourself, you haven't advanced your situation.

MRS. SLIFSTEIN: It's just a small portion of the fence that they just want it equal with the house, that is what Frank said, the building inspector.

MR. LUCIA: Is that an easier way for you to handle it?

MR. FENWICK: Then does this come out from the house or do you start from the corner?

MR. SLIFSTEIN: Comes out from the end of the house over here.

MR. FENWICK: It's at the corner of the house, I'm talking about you're showing the fence coming out from approximately the side of the house, does it come out from the side of the house or does it come from the corner of the house?

MR. SLIFSTEIN: The corner of the house. From the corner of the house it begins.

MR. TORLEY: If you can move the fence so it is back parallel with your house line, if you can do that, I'll guarantee you it's going to be cheaper than going

through all this.

MR. FENWICK: Even if it jogs out this way and it starts at the corner, it's not between the house and the street.

MR. SLIFSTEIN: No, it's not between the house and the street.

MR. TORLEY: You extend the front line of the house over to the lot?

MR. FENWICK: No, that is why there's some ambiguous things in here that I am looking at right now.

MR. KONKOL: You still need detailed measurements.

MR. LUCIA: I think the way Mike read that is the same way you would on setbacks is that the line of the house creates a frontage line and there should be nothing closer to the street anywhere on the lot than that frontage line. I understand what the chairman is saying but reading with the rest of the zoning ordinance in the way other front yard requirements are handled, I'm not sure that literally meant to say only if you put it between the house within the physical side boundaries of the house and the street line is that going to apply. But I'll leave it up to the board, that may be interpretation.

MR. TORLEY: It's got to be the line.

MR. FENWICK: They have exceptions to it when it comes to fences, only the time that that applies as a structure is when it's page 48-12 is when it becomes over 6 feet high, under 6 feet they are considering it a fence.

MR. TORLEY: I have no problem if we go to a variance. I'm much more concerned about safety with a fence height for the pools than whether it's six inches in your front yard or not, just trying to make sure we do it right.

MR. KONKOL: The only thing he's citing her for is the

height of the fences, not saying anything about the different things. Why don't we act on just what he says it is cited for.

MR. LUCIA: The reason I raise it when people come in and go through a whole procedure, if there are other variances that are inherent, it doesn't cost you any more to apply for three variances than it does one, do everything that is wrong at one time. The issues with regard to the placement of the fence may require additional variances. If they do, my position would be why don't you do it while you're here. Why apply just for a height variance if you have a setback variance you need also. It doesn't cost anymore to do three rather than one.

MRS. SLIFSTEIN: Why did he say all we needed to do is move the house equal to the whole house.

MR. LUCIA: Because then you eliminate any setback problems. If the fence protrudes no closer to Keat's than the front line of your house as that imaginary line is continued straight along the front of your dwelling from the side yard to side yard then you don't need any setback variances. The front line of your house establishes a setback line if you couldn't that out from either corner of the house all the way to your side property line as long as you don't have anything closer to Keat's than that, you don't need any setback variances, only a height variance. Now, since the drawing came in looking like it does jog into that, that is the reason I raise the issue.

MR. FENWICK: Both of the items are here, one is five foot fence around the inground pool and other one projects closer to Keat's drive than the principal building.

MR. LUCIA: You're really cited for both.

MR. TORLEY: You do not have a five foot fence.

MRS. SLIFSTEIN: We do, our fence is high enough.

MR. LUCIA: One is fence height, the other is fence

setback.

MR. SLIFSTEIN: He have said that the fence height was was fine because we had an inground swimming pool we had to have that height fence that is what he told us.

MR. LUCIA: This is complicated, let me go through it slowly. There's an interplay of a couple sections of the ordinance you were cited for failure to comply with Section 48-14 C 1 (c) [1] . That section requires that fences not be over 6 feet high and erected anywhere between the principal building and the street on which it fronts. If you have erected a fence, the building and the street on which it fronts, the maximum height is not 6 but cuts down to 4 feet. That is the one section. The other section that would be involved is if you are into the front yard which you apparently are because the fence is closer to Keat's than the main building, then you probably need a setback variance from Section 48-14 A (1) (b).

MR. SLIFSTEIN: We just have this much, I'm coming out this much and it, it's still on the property.

MR. LUCIA: We're saying that it is coming closer to Keat's than the building itself. That is what's creating the setback problem.

MR. FENWICK: If we look at (1) C fences or walls not over 6 feet in height maybe erected anywhere on the lot except between the principal building and street front for which it fronts. Maximum permissible height shall be 4 feet so they are recognizing that you can put the fence there.

MR. TORLEY: I think they mean that is the front yard.

MR. FENWICK: It does not say that at all. It says if the fence is in fact in front then it can't be higher than 4 feet.

MR. TANNER: But if they move the fence back parallel to the house in the same line then it can be 6 feet and fine, you don't need a variance. How far does it come out from the front of the house, two feet, three feet?

MR. SLIFSTEIN: To about here.

MR. TANNER: How big a chore is it to move it?

MRS. SLIFSTEIN: It interferes with the fact that we have a diving board we have to take that away.

MR. TORLEY: But you're going to be it may wind up being cheaper for you.

MRS. SLIFSTEIN: Why do you say that?

MR. TORLEY: With the fees and surveys you're going to need.

MRS. SLIFSTEIN: We're going to need a survey?

MR. TORLEY: I think you're going to wind up needing it. If we don't have any trouble.

MRS. SLIFSTEIN: We bought this house seven years ago.

MR. TORLEY: You're concerned with whether the fence is closer than ten feet to the property line?

MR. LUCIA: Exactly.

MR. TORLEY: If you can and you're still closer to ten feet to the property line, you still can't get, you can't sell the house or do anything.

MRS. SLIFSTEIN: Once it's moved it's, it's not going to interrupt with the property line?

MR. TORLEY: The fence line has to be more than ten feet from the property line. If you think you're just barely.

MR. FENWICK: I'd leave it up to the pleasure of the board. I don't find the drawing, nothing personal, to be acceptable only because--

MR. KONKOL: I think it should be sent back to the building inspector. Let him do his job.

MR. LUCIA: The building inspector has no obligation to measure. He also reacts to the measurements the applicant provides. He's not going to go out and measure it and determine that street line.

MR. TANNER: We're going to need some accurate figures someplace.

MR. KONKOL: Whether it's from a surveyor or from whoever.

MR. LUCIA: And since you're going to check it, might as well check the ten foot dimension on the pool. Do everything together.

MR. TANNER: It's going to save you a lot of trouble when you go to sell the house or refinance, whatever.

MR. TORLEY: And again I have no trouble with the fence being there if it is to protect the swimming pool but protect kids from the swimming pool, doesn't bother me at all. Want to make sure that we do it right for you.

MR. FENWICK: Did you put the fence up?

MRS. SLIFSTEIN: Nope, it was there when we moved there.

MR. FENWICK: Then the pool was already there?

MR. SLIFSTEIN: Pool was there, fence was there.

MR. TORLEY: When did you purchase the house?

MR. SLIFSTEIN: Seven years ago.

MR. TORLEY: And seven years ago they didn't require a survey?

MRS. SLIFSTEIN: Apparently not the bank didn't tell us.

MR. TANNER: Someone had to have a survey.

MR. LUCIA: Within the last seven years most banks are requiring surveys. The other possibility is your seller had a survey that they were willing to accept or have updated and you just didn't see the update but call your attorney, call anybody you can find who processed that application after Empire went out of business. You probably made payments to somebody after Empire.

MR. TANNER: Is your attorney still available?

MR. SLIFSTEIN: It's in the Bronx.

MR. LUCIA: He would have a file. If not, I would pull out your deed probably has a title company, title number, if you can find out what title company.

MR. SLIFSTEIN: They are out of business, the title company.

MRS. SLIFSTEIN: We had to use a new title company when we refinanced.

MR. LUCIA: Somebody always gets these records. They don't get thrown out. Somebody succeeded to that title company's records. I'm not saying it's easy to trace.

MR. SLIFSTEIN: What's the other solution, just to move the fence, is that right?

MR. LUCIA: Yeah, as long as the pool doesn't still create a problem.

MRS. SLIFSTEIN: Why would the pool create problem?

MR. LUCIA: You've got a handdrawing which shows ten foot dimension from pool to street line. If that is inaccurate, you have a problem on the location of the pool which you're only going to solve by applying for a variance, the fence is easy to move, the pool is far less easy to move.

MRS. SLIFSTEIN: Frank was there and he said I might as well tell you you're violation now and the only thing he told me was the fence and the little

self-closed self latch on the gates. That was it.

MR. LUCIA: But he's basing that on the accuracy of the ten foot measurement. He doesn't independently verify that what I am saying. All these measurements you do at your peril. If you do them wrong and somebody comes along later, say you sell the house, they hire a surveyor and it turns out it's 9 feet rather than 10 feet, you're stuck.

MR. TORLEY: Because the bank won't give them a mortgage.

MRS. SLIFSTEIN: What do we do?

MR. LUCIA: I need an accurate measurement, how you do that, whether you hire a surveyor is up to you.

MR. TANNER: Try and find your surveyor, backtrack through the lawyer, that is the less expensive. Next is a survey. I'd telephone.

MR. TORLEY: Make a few phone calls before you hire a surveyor.

MR. FENWICK: And if you want to look into this just a little bit deeper, you may find especially in the location that you are at you're in a densely populated area, you might want to if everything else is in line and the building inspector says alls you have to do is move your fence, you might think about it.

MRS. SLIFSTEIN: I would move it.

MR. FENWICK: It very well might be cheaper for to you do that.

MR. TORLEY: Make sure about the ten foot distance before you just move the fence because if it's 9 feet instead of 10 feet, moving the fence isn't going to help you one bit.

MR. SLIFSTEIN: We have to measure from the road.

MR. LUCIA: The rough way of doing it is from the

middle of the road but it's going to assume that the center of the paved surface is dead center on the 50 foot right-of-way, it's bound to be off somewhat but you'll get an idea whether you are. Measure 25 feet towards your property line, that is.

MR. FENWICK: This is the center line of the road, 25 feet here should approximately give you where your actual line starts which is good chance it's probably in your grass.

MR. TANNER: But remember it's approximate center of the road, isn't necessarily center road.

MR. TORLEY: So measure 35 feet from the middle line of the road.

MR. LUCIA: Problem is you're still approximating the center line, if you are anything close to ten feet, I would suggest you get an accurate measurement because you're really doing it at your peril.

MR. TANNER: Center of the road could be off five feet easily.

MR. FENWICK: Try to find the survey, I think that is going to help you out a whole lot.

MRS. SLIFSTEIN: I have somebody that was willing to do my fence, could I maybe he can measure for me.

MR. LUCIA: The problem is you still are back in the same situation, any layman doing the measurement is not necessarily going to solve your problem. Suppose the fence guy is inaccurate, you're stuck with a bill moving the fence and a measurement that is still no good.

MRS. SLIFSTEIN: What if I never came here and I just moved my fence like Frank told me and he came back and he inspected it and he said it's fine?

MR. FENWICK: Then it's fine.

MRS. BARNHART: As long as the bank says it's okay.

MRS. SLIFSTEIN: I closed already. I've already refinanced. I closed pending this variance so they asked me if I didn't win what am I going to do. I said I'll move the fence.

MR. FENWICK: Move the fence.

MR. LUCIA: The only risk you take is the measurements are bad, you go to sell the property, your purchaser gets an accurate survey and turns up a measurement.

MRS. SLIFSTEIN: I'll have to worry about that at that point in time. I can't go through all this. ~~I am~~ going to just move the fence, that is all. I'll take my diving board away. What can I do, my kids won't be able to jump in.

MR. LUCIA: That is entirely your decision.

MR. FENWICK: Entertain a motion to table the matter?

MR. TORLEY: I'll so move.

MR. TANNER: I'll second it.

ROLL CALL

MR. TORLEY	AYE
MR. KONKOL	AYE
MR. TANNER	AYE
MR. FENWICK	AYE

Date 11/18/93 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances R. H. 389 Moores Hill DR.

New Windsor NY 12553

DATE			CLAIMED	ALLOWED
12/4/92	Zoning Board Meeting		75.00	
	Misc - 2			
	Quality Homes - 7 - 31.50.			
	Slifstein - 11 - 49.50			
	Bittles - 4 - 18.00.			
	Carlough - 3 - 13.50			
	Ledwith - 5 - 22.50.			
	Walsh - 4 - 18.00			
	Moran - 31 - 139.50.		301.50	
	67		376.50	

December 14, 1992

9

PRELIMINARY MEETING: SLIFSTEIN, DIANE

MR. FENWICK: This is a request for relief from Section 48-12C(1)(c)1 for 5 foot fence around inground pool (required) but it exceeds 4 foot height and projects closer to Keats Drive than principal building.

Diane Slifstein appeared before the Board representing this proposal.

MR. TORLEY: As I recall the question was the exact dimensions.

MR. LUCIA: And also the fact that the distance from the street line was not clear. When was the house constructed, do you know?

MS. SLIFSTEIN: The house is almost 16 years old.

MR. LUCIA: It would have been constructed about 1964?

MS. SLIFSTEIN: Yes, I don't know, I'm only living in the house 7 years so --

MR. BABCOCK: The C.O. was issued September 22, 1976.

MR. LUCIA: Any reference to variances on that?

MR. BABCOCK: No.

MR. LUCIA: I just asked because I just looked quickly in looking at the survey, it appears that lot area possibly one if not both front yards and developmental coverage issues, I'm not sure.

MR. FENWICK: This is part of a planned development or whatever it is, this is like a typical size for all the lots over there.

MR. LUCIA: This was not a Butter Hill?

MR. NUGENT: Woodwind.

MR. FENWICK: This is still a standard size for the lots up there. In fact, no, this is a standard size, standard size lots were generally 100 by 100.

MR. TORLEY: But you're right about developmental coverage, it's not a problem, just have to get all your ducks in a row.

MR. LUCIA: You're coming back for a variance, apply for everything you need.

MS. SLIFSTEIN: I don't know what else I need that was my only problem.

MR. LUCIA: That is the reason for my question.

MR. FENWICK: I thought you were going to move it.

MS. SLIFSTEIN: I decided to fight it, I didn't want to move it.

MR. TORLEY: That is a new survey?

MR. KONKOL: This is 1985.

MR. LUCIA: Putting aside the lot area for the moment, if that is apparently the front yard setback is apparently 35 feet required, one is shown as 30 feet plus or minus, the other is not shown. I don't know if the Board wants to address that in the same application.

MR. FENWICK: Mike, the C.O. on this house except for the pool and the wooden fence are we looking at the C.O. the way the house sits correctly in this drawing with the porch in the back and the steps in the front?

MR. BABCOCK: No, we don't know, says one-family dwelling and there's no plot plan nor was one filled out.

MR. TORLEY: I'm a heck of a lot more concerned about safety with the pool fencing than the front yard requirements on this. I want to make sure you get the right numbers so we can get you through properly.

MR. FENWICK: Safety is a 6 foot fence, I don't know what else the only thing they are here for is the height of the fence, fence being closer to the front yard.

MR. TORLEY: But, as Dan pointed out, maybe you want to

get the developmental coverage checked to make sure we have got everything we need.

MS. SLIFSTEIN: If I have to move my fence, that means that my diving board has to leave and that means my fence is right on top of my pool.

MR. TORLEY: That is what you can use in your public hearing. That is your practical difficulty.

MR. BABCOCK: Mr. Chairman, just the agenda tonight says 48-12C, I think that should be 48-14C.

MR. LUCIA: That is correct.

MR. FENWICK: Mike, this is as a result of refinancing?

MS. SLIFSTEIN: Yes.

MR. FENWICK: The only thing that you have cited them on is that this fence is closer to the road or closer to the front yard than it is supposed to be, correct, that is the only violation that you know?

MR. BABCOCK: Right, what they came to us apparently the bank is asking for a C.O. on the pool, this is part of the application with the pool, it's an inground pool which requires a fence and one the fence issue came up, we realized the fence projected closer to the street than the principle building which is in violation.

MR. FENWICK: That is the only item that you know of?

MR. BABCOCK: That is the only item they are asking for.

MR. FENWICK: If in fact this was to be satisfied with this Board that would satisfy you as far as a C.O. or Certificate of Compliance on the property?

MR. BABCOCK: On the pool.

MR. FENWICK: Is there anything else that you know of on this property that is outstanding that you would cite them for?

MR. BABCOCK: No.

MR. NUGENT: I was just questioning about the temporary turnaround, if you look at the photograph that is grass so it's not to be considered developmental coverage.

MR. LUCIA: It depends on whether it's shown on the file with the subdivision map and how the description runs.

MR. NUGENT: There is a cul-de-sac at the end of the street not shown on the drawing.

MR. LUCIA: We are probably bound by the filed map if the cul-de-sac is on the filed map, the setbacks need to be measured from the cul-de-sac circumference. I'm not sure looking at this, I appreciate having the survey obviously we can speak more definitely at the last meeting but it also raises a couple of other issues that you may want to resolve as part of this whole procedure, no offsets are shown from the pool either to the street or the property lines. If those offsets are less than 10 feet, you need to apply for a variance for being less than 10 feet, having a pool closer than 10 feet to the property line or a street. Also, if your fence is closer than 10 feet to the property line, you need a variance for having it to close, I believe also.

MR. BABCOCK: Excuse me, one second, 6 foot fence can be anywhere on the property.

MR. LUCIA: And this is no higher than 6 feet?

MS. SLIFSTEIN: Yes.

MR. LUCIA: Strike the last issue, we need to determine the offsets from the pool itself both to the street and to the property lines and if under 10 feet, you need to add line item 4 for variance on any of those dimensions.

MR. FENWICK: Definitely not 10 feet to the street.

MR. LUCIA: Depending on how big the cul-de-sac is, I'm sure it is not square the way it is shown on the drawing.

MS. SLIFSTEIN: It's rounded.

MR. LUCIA: What I'm wondering if the nearest point in the circumference in the cul-de-sac is less than 10 feet.

MR. BABCOCK: The condition in the field and the legal condition of the filed map could be two different things.

MR. LUCIA: What you really need is your surveyor the check is whether or not the nearest point of the circumference --

MS. SLIFSTEIN: We don't have a surveyor.

MR. LUCIA: Who did this, Mr. Carrol (phonetic), apparently he did it for you when you first purchased the house. He probably still has a file and can do a lot of this from what he has there and worse case he has to come out and shoot a couple points, you need to determine the closest point of the cul-de-sac to your pool, if that is under 10 feet, there could be an issue there. Also, the distance from the pool to your two nearest property lines.

MS. SLIFSTEIN: It's a standard cul-de-sac.

MR. LUCIA: So that square doesn't represent what is in the field, I take it?

MS. SLIFSTEIN: I don't understand what you mean.

MR. LUCIA: The surveyor has large rectangle that says 25 feet by 50 feet temporary turnaround, I assume that actually this is a semi-circle coming into your land, not a rectangle as he's showing you.

MS. SLIFSTEIN: Well, it's not a rectangle, the turnaround is not rectangle, yeah, it is. It goes down and then it goes wide like this straight and then like that.

MR. LUCIA: Really the filed subdivision map is going to be what controls and the indication of that turnaround on the survey really should match the subdivision map unless it indicates a rectangle and you're telling me that it doesn't.

MS. SLIFSTEIN: I don't know if you call that a

rectangle, maybe you do, maybe it's a rectangle.

MR. BABCOCK: The shape that it is in the field must be what they have enough blacktop for as they are blacktopping so that is the difference. What is on paper, what is supposed to be there.

MR. FENWICK: I think that this is no longer their property in here.

MR. TANNER: I'm saying some of it may not be because there is a --

MR. LUCIA: That is exactly the point.

MR. TANNER: In other words, it is not a rectangle anymore, it has a piece taken out of it.

MR. BABCOCK: I think you're going to find out that the square exists on paper, what is built might be a round circle but they make it a square and they call it a temporary. If the road is ever going to continue, the day that the road continues that gets eliminated. I've seen the map, I haven't seen it in the field though.

MR. FENWICK: We have a map in front of us that is apparently it's the proper map we're showing property lines which is what we asked them to come back with because we weren't to sure because before it was the center of the road and where is our property line, they have given us this, this is what we have to go by, correct, you don't know of anything different for you to go by than what you have here.

MR. BABCOCK: No.

MR. FENWICK: I don't know what else we can ask these people to do, we asked them to come back with a map of the property line.

MR. TANNER: My only concern is if we did grant the variance, they go to do something at a later date and they say that isn't where the road is then you have to see the Zoning Board again.

MR. LUCIA: As I think we mentioned the last time, the Board only reacts to the data you provide so if you come in with a survey that doesn't have offsets from

fence to property line, from pool to property line on it and you're just guessing at those distances, that guess is very much at your peril. When you go to sell the house, if the prospective purchaser gets a survey and finds out those offset distances are greater than what you anticipated, even though you have gotten a variance, you haven't really advanced your position and you'll be back here again doing the same thing so I think the Board's position is for your protection. Come in with the most accurate data you can.

MS. SLIFSTEIN: I thought that this was the most accurate data I have. I didn't live here, okay, but seven years ago I didn't create this problem. I don't see why you are putting me through this. I don't understand this.

MR. TORLEY: The only reason you're going through this is because the banks are going to insist on having this before they let you refinance.

MS. SLIFSTEIN: All they want is a C.O.

MR. BABCOCK: So far Glendale Abstract Company asked us, the Town of New Windsor, for a copy of the C.O. for the house, they didn't ask us if there was any violations and we sent them a letter saying here is a copy of the C.O. How they picked up the pool apparently by the bank and that is how it's going.

MS. SLIFSTEIN: There was no C.O. on the pool.

MR. BABCOCK: The bank seen the survey and said we want a C.O.

MS. SLIFSTEIN: They didn't have a C.O.

MR. FENWICK: What do you think is the concern that the pool is to close to the turnaround?

MR. LUCIA: It may well be.

MR. FENWICK: If we are looking at the map being scaled off --

MS. SLIFSTEIN: It isn't to close, it's no where near it.

MR. BABCOCK: Legally on this paper right here not built but from that line that dotted line to here.

MR. TORLEY: How far from the pool to your fence?

MS. SLIFSTEIN: It's about 10 feet, that's about it.

MR. TORLEY: If it's 10 feet from the pool to the fence then they have no problem.

MS. SLIFSTEIN: We measured it, we walked it, it's about that to the fence, yes.

MR. LUCIA: We are not implying that you have done anything wrong, understand that you have inherited the location. All we are trying to do is explain to you what the problems are. How you chose to handle them are your decision.

MR. TORLEY: We just want to make sure you don't have to go through this again.

MS. SLIFSTEIN: I understand.

MR. KONKOL: I think we should make a motion to, the map that this lady has brought in and the consequences down the line that is up to her, if it reoccurs then you'll have to face it at that time but right now, we'll set you up for a public hearing based on this map and this also Dan brings up the thing we are getting a lot of these decks and all this other kind of stuff like this merely for refinancing and it's a shame to put these people through this all the time.

MR. LUCIA: It's really the banks are much more careful investigating on refinancing.

MS. SLIFSTEIN: If I didn't have to get a C.O. on the pool, I wouldn't be here tonight.

MR. LUCIA: Probably 80 percent of the applicants are in exactly that situation.

MS. SLIFSTEIN: Then again, that was not my problem, it wasn't my fault, they didn't ground the pool when they built it, they didn't tell us about it.

MR. KONKOL: I'd like to make the motion that we set

this map as the dimensions for the variance.

MR. FENWICK: Only variance we are looking at right now is front yard variance.

MR. LUCIA: Let's see I think that involves we have cited Section it should be 48-14C(1)c[1] and I think also we are involved with Section 48-14A(4) because we project nearer to the street than the principle building itself. Same issue just different section.

MR. FENWICK: I'm kind of missing something, the law says you have to put a 5 foot fence but if you put a 5 foot fence, it's illegal.

MR. BABCOCK: No, the law says you need a 5 foot fence around an inground pool but you cannot put a 5 foot fence in the front yard, cannot project closer to the road than the principle building. If the fence was even with the front of the house, it wouldn't be a problem.

MR. FENWICK: If the fence were 4 foot, would that be a legal fence, if it's where it is right now?

MR. BABCOCK: It would be legal as far as the location but illegal because it's an inground pool. Hey, I didn't make the rules.

MR. LUCIA: What is the Board's feeling on developmental coverage?

MR. KONKOL: That is not the issue here tonight, let's leave it off. You have a motion, I'm looking for a second.

MRS. BARNHART: Motion you made was not to schedule the public hearing.

MR. KONKOL: To schedule the public hearing based on the facts that have been presented tonight, the dimensions.

MRS. BARNHART: Your motion was to accept the map.

MR. KONKOL: I make a motion that we have a public hearing.

MR. TORLEY: Seconded.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. KONKOL: Do you understand 5 years from now you may have to go back.

MS. SLIFSTEIN: When I go to sell my house which I'm not going to do for a long time but I understand. By then they might build that road may go straight.

MR. FENWICK: Is everything that you're going to explain to the applicant in this paper work?

MR. LUCIA: No.

MR. FENWICK: Then you better pay attention.

MR. LUCIA: Is the Board satisfied with the photographs that have been presented?

MR. NUGENT: Yes.

MR. LUCIA: Bring those photographs back to the public hearing. WE would also like to see a copy, one copy for file when you come back I'd like to see a copy of the deed and title policy, please and when you come for the public hearing legal standard the Board has in deciding your area variance application is to consider the benefit to you if the variance is granted as weighed against the detriment to the health, safety and welfare to the community by granting that variance and there are five specific issues that you need to speak to in order for the Board to make that finding and grant your variance.

First, is whether undesirable change would be produced in the character of the neighborhood or detriment of nearby properties would be created if the variance is granted.

Second, whether the benefits sought can be achieved by some other method feasible for you to pursue other than a variance.

Third, whether requested variance is substantial.
Fourth, whether proposed variance will have an adverse effect or impact on physical or environmental conditions in the neighborhood or district and Number 5, whether the difficulty was self-created.

MS. SLIFSTEIN: I have to answer these questions.

MR. LUCIA: I am just giving it to you now so you can formulate what it is you want to say about them and you can make a more cogent sounding presentation to the Board when you come back. There's an instruction sheet on top of the application, I think that is self-explanatory. If you have any questions, give Pat a call. Fill out the application, return it to her and when you come back we need two checks both payable to the Town of New Windsor, one for \$50 application fee and one for \$250 fee for deposit against town consultant fees and various disbursements the Board has.

Prelim.
Nov. 9, 1992.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 29, 1992

APPLICANT: ARNOLD SLIFSTEIN
94 KEATS DRIVE
NEW WINDSOR, N.Y. 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 28, 1992
FOR (BUILDING PERMIT): NONE ISSUED
LOCATED AT: 94 KEATS DRIVE

ZONE: R-4

DESCRIPTION OF EXISTING SITE: SECTION 75 BLOCK 8 LOT 1
ONE FAMILY HOUSE ON CORNER LOT

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. 5FT. FENCE AROUND INGROUND POOL (REQUIRED) EXCEEDS 4FT HEIGHT.
2. PROJECTS CLOSER TO KEATS DRIVE THAN PRINCIPAL BUILDING.

Arnold Slifstein

BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14C(1)(C)(1) (See attached copy of code).	
MIN. LOT AREA		
MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		

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BUILDING INSPECTOR

REQUIREMENTS	PROPOSED OR AVAILABLE	VARIANCE REQUEST
ZONE: R-4	USE 48-14C(1)(C)D1	(See attached copy of code).
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MIN. LOT WIDTH		
REQ'D FRONT YD		
REQ'D SIDE YD		
REQ'D TOTAL SIDE YD		
REQ'D REAR YD.		
REQ'D FRONTAGE		
MAX. BLDG. HT.		
FLOOR AREA RATIO		
MIN. LIVABLE AREA		
DEV. COVERAGE		

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.P. FILES.

SLIFSTEIN

IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS. IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

- 1 WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2 FOUNDATION INSPECTION. CHECK HERE FOR WATERPROOFING AND FOOTINGS DRAINS.
- 3 INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4 WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5 INSULATION
- 6 PLUMBING FINAL & FINAL HAVE ON HAND ELECTRICAL INSPECTION DATA AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETED AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7 DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8 \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE INSPECTION TWICE.
- 9 PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10 THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11 SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12 SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13 ROAD OPENING PERMITS MUST OBTAINED FROM TOWN CLERKS OFFICE.
- 14 ALL BUILDING PERMITS WILL NEED A CERTIFICATION OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A FEE FOR THIS

Name of Owner of Premises Mr. & Mrs. Arnold D. Slifstein
Address 94 Keats Dr. Phone 914-565-8650
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the side of
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated T-3 Is property a flood zone? Yes No
3. Tax Map description of property: Section 13 Block 3 Lot 1

... APPROVED, AND IT IS IMPROPER TO
... THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED
AFTER CORRECTION.

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Name of Owner of Premises Mr. & Mrs. Arnold D. Shifstein
Address 94 Keats Dr. Phone 914-565-8650
Name of Architect
Address Phone
Name of Contractor
Address Phone
State whether applicant is owner, lessee, agent, architect, engineer or builder
If applicant is a corporation, signature of duly authorized officer.

.....
(Name and title of corporate officer)

1. On what street is property located? On the side of
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated TS Is property a flood zone? Yes No
3. Tax Map description of property: Section TS Block 3 Lot 1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy b. Intended use and occupancy
5. Nature of work (check which applicable): New Building Addition Alteration Repair
Removal Demolition Other EXISTING IN GND POOL + 5' fence
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot? YES
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets
Heating Plant: Gas Oil Electric/Hot Air Hot Water
If Garage, number of cars EXISTING
Inground pool
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use
.....
10. Estimated cost Fee \$50.00
(to be paid on this application)
11. School District

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....10/16.....1992

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

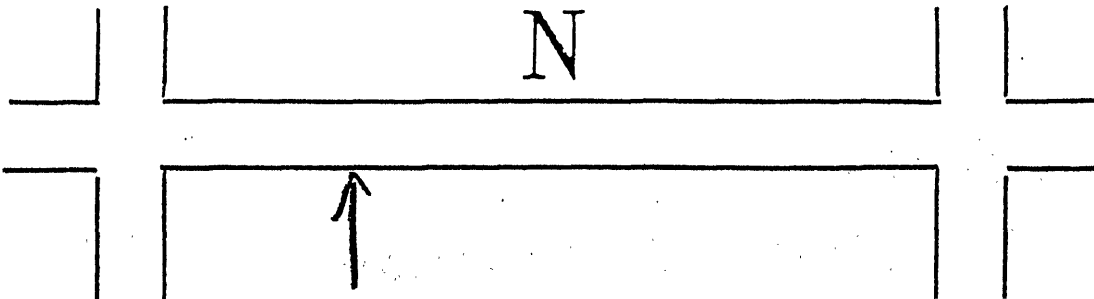
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Oliver L. Seifstein
.....
(Signature of Applicant)

.....
(Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer -

Planning Board.....

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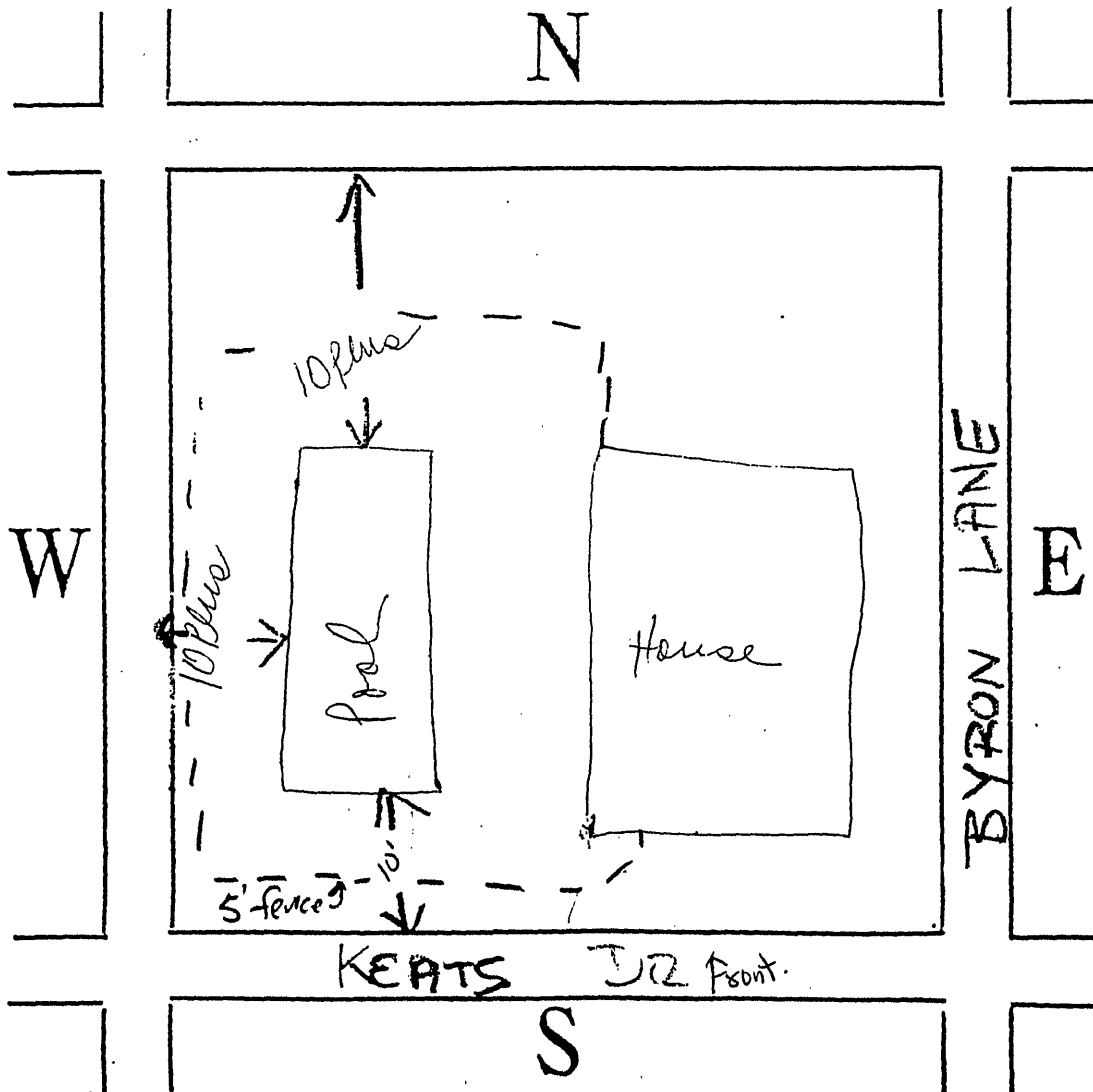
Alvin L. Siefert
 (Signature of Applicant)

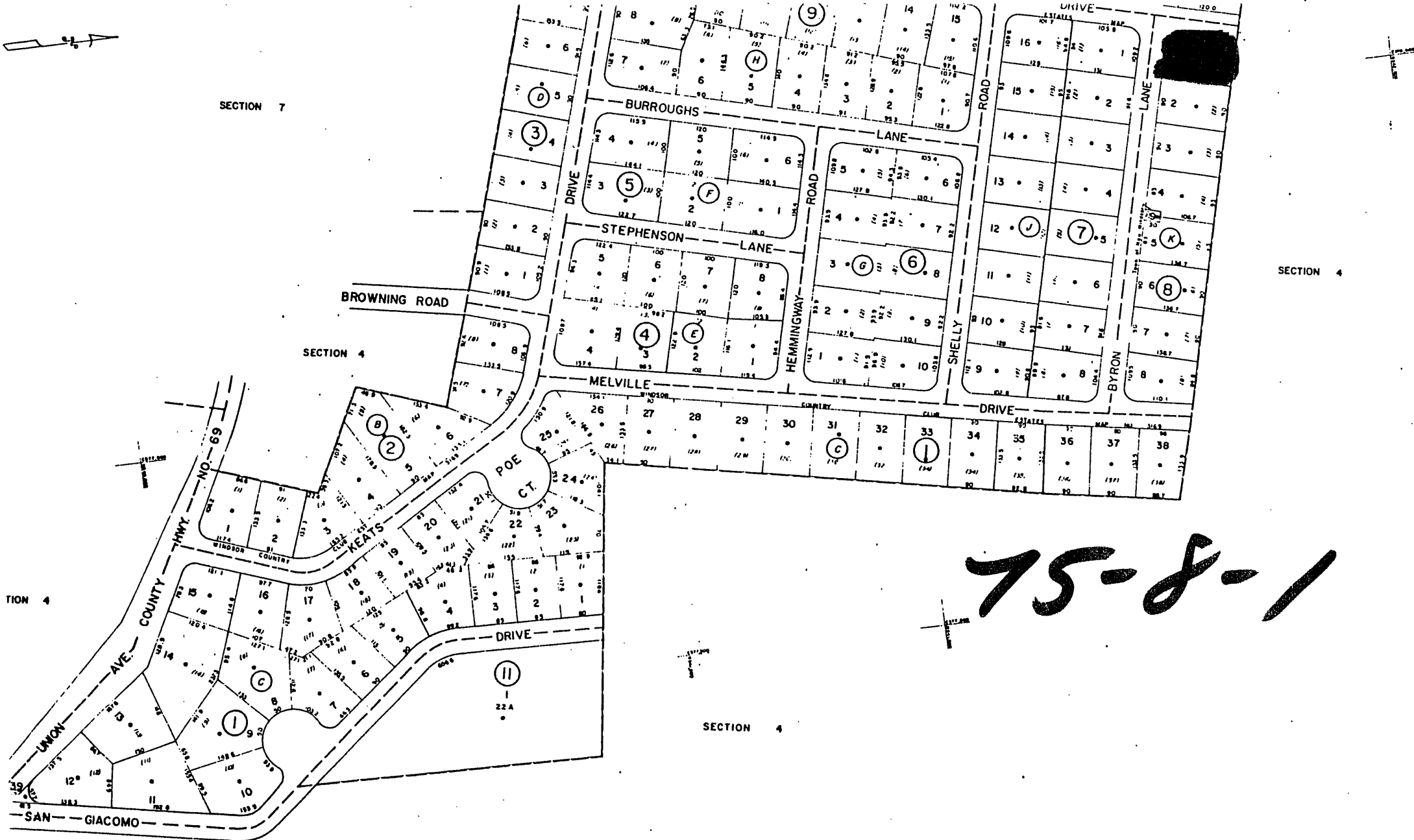
.....
 (Address of Applicant)

PLOT PLAN

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Applicant must indicate the building line or lines clearly and distinctly on the drawings.





75-8-1

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREA	STATE HIGHWAY
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (feet or 1/4 acre)	COUNTY HIGHWAY
PROPERTY LINE			TOWN ROADS

ORANGE COUNTY-NEW YORK

Photo No. 9-496,497,498 Date of Map: 3-20-74
 Date of Photo: 3-1-53 Date of Revision: 3-1-91
 Scale 1"=100'

TOWN OF NEW WINDSOR

Section No. 75

281
 ALL NEWBURGH SCHOOL DISTRICT
 ALL VAILS GATE FIRE DISTRICT

- (a) If the natural slope is from ten percent (10%) to twenty percent (20%) within twenty-five (25) feet of the street line, the Board may permit a garage not closer than twenty (20) feet to the street line.
- (b) Where such slope exceeds twenty percent (20%), a garage may be permitted not closer than ten (10) feet to the street line.
- (5) The storage of unlicensed vehicles is prohibited in any residential district except in enclosed structures complying with these regulations.

B. Corner lots.

- (1) Obstruction of vision at street intersections. At all street intersections in all districts, no obstructions of vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any lot within the triangle formed by the street lines of such lot and a line drawn between points along such street lines thirty (30) feet distant from their point of intersection.
- (2) Rear and side yards. On a corner lot, front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard and the other or others side yards.

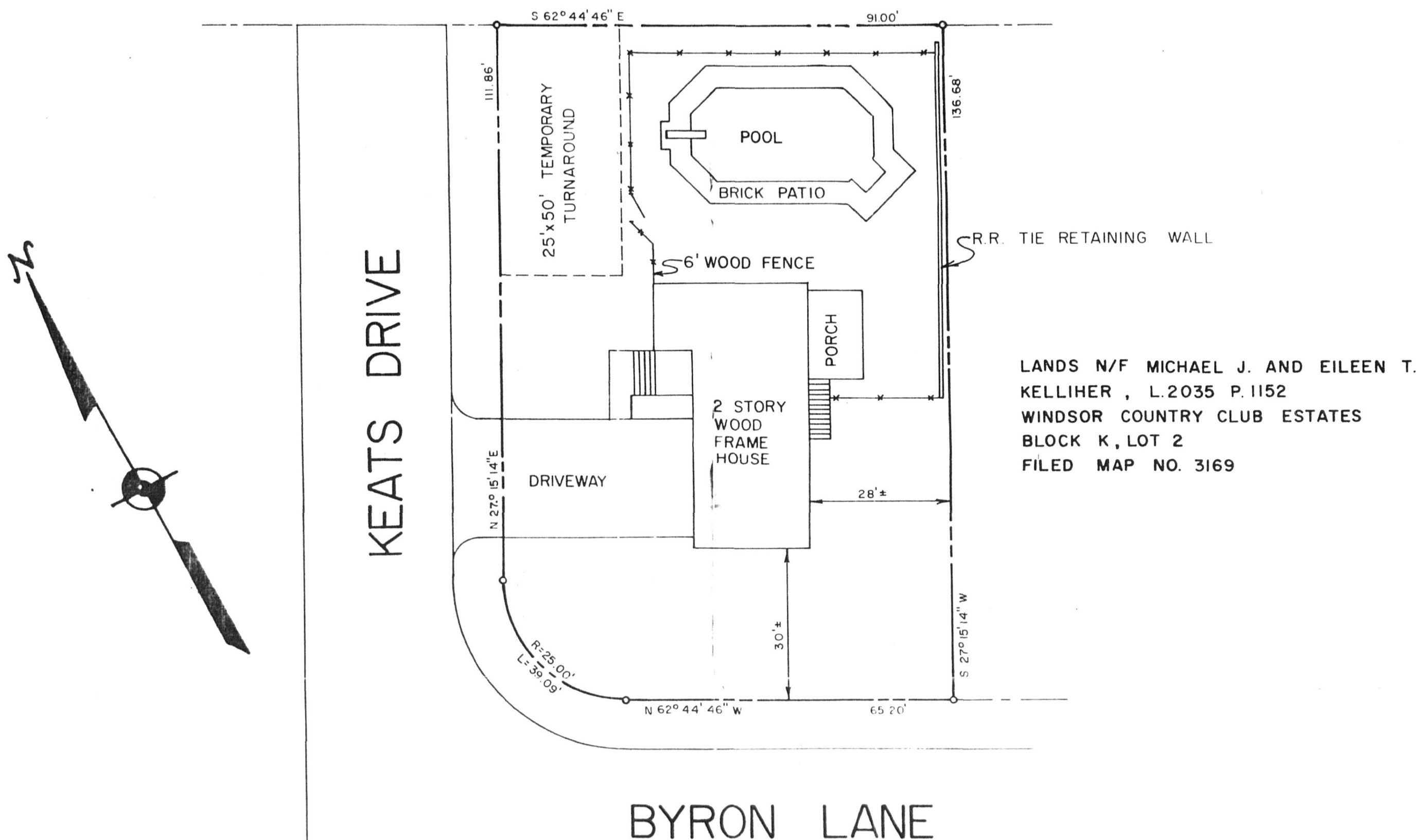
C. Exceptions to yard requirements.

- (1) Permitted obstructions. [Amended 4-20-88 by L.L. No. 3 — 1988]
 - (a) Cornices or cantilevered roofs may project not more than three (3) feet into a required yard. Belt courses, window sills and other ornamental features may project not more than six (6) inches into a required yard.
 - (b) Bay or bow windows cannot project more than thirty (30) inches into a required yard.
 - (c) Fences or walls not over six (6) feet in height may be erected anywhere on the lot except as follows:

- [1] Between the principal building and the street or streets on which it fronts, the maximum permissible height shall be four (4) feet except as set forth in § 48-14B, Corner lots.
- (d) Fences or walls with a height in excess of six (6) feet shall conform to the requirements set forth herein for buildings.
- (e) Paved terraces, steps, walks and decks not exceeding three (3) feet above the average finished grade (measured along the front wall of the building which it serves), other than such as are needed to provide access to the buildings on the lot, shall not project to within fifteen (15) feet of a front lot line nor within ten (10) feet of any other lot line.
- (2) Entries and porticos. A roofed-over but unenclosed projection in the nature of an entry or portico, not

(Cont'd on page 4813)

LANDS N/F SIGMA DEXTER CORP.
L. 1956 P. 51




LANDS N/F MICHAEL J. AND EILEEN T.
KELLIHER, L. 2035 P. 1152
WINDSOR COUNTRY CLUB ESTATES
BLOCK K, LOT 2
FILED MAP NO. 3169

JULY 1, 1985
I HEREBY CERTIFY TO LAWYERS TITLE INSURANCE CORP.,
EMPIRE OF AMERICA REALTY CREDIT CORP. AND DIANE
& ARNOLD SLIPSTEIN THAT THIS IS A TRUE AND
ACCURATE SURVEY, PERFORMED IN THE FIELD, AND NO
VISIBLE ENCROACHMENTS EXIST

LEO J. CARROLL, N.Y.S.L.S. No. 48997

REFERENCE:

BLOCK K, LOT 1
"WINDSOR COUNTRY CLUB ESTATES"
MAP NO. 3169
FILED IN THE ORANGE COUNTY
CLERKS OFFICE 4/1/74

	LEO J. CARROLL P.E., L.S.	
	53 HIGHLAND AVENUE (914) 343-7994 MIDDLETOWN N.Y. 10940	
PROPERTY SURVEY	REF	REVISED
	SCALE	
	DATE	
	DRAWN	SHEET NO.
LANDS TO BE CONVEYED TO DIANE & ARNOLD SLIPSTEIN TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK	CHECKED	OF

Slipstein